THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24326 of 1997

DATED: 15-03-2007

Between:

Singareni Collieries Mine Workers Union,
Godavarai khani, Ramagundam mandal,
Kareemnagar.
Rep by General Secretary

And others.

... Petitioners.

And

General Manager (Personnel),
Singareni Collieries Company Limited,
Kothagudem, Khammam.

And others.

... Respondents

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ORDER:

The petitioners seek to challenge the action of the respondents in conducting a written test and interview wherein they have prescribed the 7th class standard for consideration for the post of Jamedar.

The first petitioner is workers union while petitioners 2 to 5 are working as security guards in Singareni Collieries Company Limited, Kothagudem. Their contention, as can be seen from the averments contained in the affidavit filed in support of the writ petition, is that under the memorandum of settlement dated 19.7.1995 entered under Section 12(3) of the Industrial Disputes Act 1947 between the workers union and Singareni Collieries Company Limited it was agreed that while the qualification for the post of Jamedar was 7th class with 3 years service in Grade-F Security Guards, in respect of existing security guards an exemption is made in the note provided in the settlement, from possessing educational qualifications and that it is sufficient that if the persons are literate. The petitioners averred that

the respondents sent intimation to 60 persons including the petitioners 2 to 15 for appearing for the written test and interview for promotion to the post of Jamedar in Technical Grade-E of S & P.C.Department which are to be held by applying 7th class standard. They submitted that since the existing security guards are exempted from possessing the educational qualification, prescribing the test with 7th class standard is arbitrary and illegal. Respondents 3 to 5 got impleaded in this writ petition. They have appeared for the written test and interview and on account of the stay granted by this Court they approached this Court with a request for their impleadment. They have also sought for vacation of interim stay. This Court by order dated 18.1.2000 modified the interim order granted on 30.9.1997 by directing that any promotions made or to be made to the post of Jamedar Grade-E during the pendancy of the writ petition shall be subject to the final result of the main writ petition.

Respondents 1 and 2 filed counter affidavit wherein they have stated that though the settlement exempted the existing security guards from possessing any educational qualification, there is no bar on respondents 1 and 2 to prescribe a written test and interview. They have also maintained that passing of the test and interview is a pre-requisite to get promotion as Jamedar; and that it is not open to the petitioners to suggest the standards for the test and that it squarely lies within the discretion of the management to decide as to what standard has to be prescribed for the test.

At the hearing there was no representation for the petitioners and Sri K.Vasudeva Reddy represented respondents 3 to 15 while there is no representation for respondents 1 and 2.

A perusal of Clause-3 of the settlement on which the petitioner sought to place reliance shows that Security Guards with three years

service with Grade-F will be eligible for promotion as Jamedar in Technical and Sup.Grade-E through test and interview against sanctioned vacancies on area-wise seniority. However, the note below clause-9 of the settlement reads as under:

> " N.B.: Educational qualification will not be a bar for the existing departmental incumbents of the Security Department as on the date of coming into force of this cadre scheme, upto the post of Jamedar in Tech.&Sup. Grad 'E'. However, the persons should be literate."

While what is exempted in the case of existing incumbents was possession of minimum educational qualification of 7th class, they are not exempted from passing written test and interview. I do not see any merit in the contention of the petitioners that prescription of written test to the existing candidates to seek promotion to the post of Jamedar is either arbitrary or illegal. The petitioners are already given the benefit which is provided in the settlement by exempting them from holding educational qualifications. The settlement does not cloth the petitioners with any further right to insist that they are also exempted from passing the written test and interview. Being the employer the company has every right to prescribe standards and ensure that those standards are maintained in the selection for any post. I do not see any unreasonableness or arbitrariness in the action of the respondents 1 and 2 which is complained in this writ petition.

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition W.P.M.P.No.28354 of 1997 and W.V.M.P.No.3727 of 1998 are also dismissed as infructuous.

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C.V.NAGARJUNA REDDY,J

Dt:15-03-2007.
Mdaa.

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